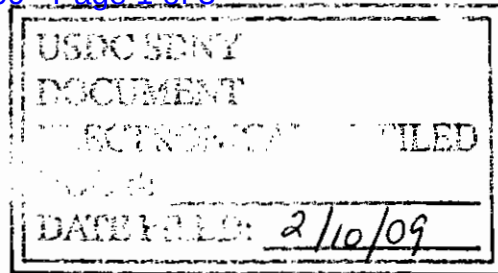


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARLENE KRIKELIS,

Plaintiff,



06 Civ. 4203 (RPP)

**OPINION
AND ORDER**

- against -

VASSAR COLLEGE, et al.,

Defendants.,
-----X

In December 2008, Defendants renewed their motion for summary judgment with regard to Plaintiff's gender-based discrimination claim, arguing that with specific regard to the September 2004 pay determination by Defendants, Plaintiff had failed to establish a *prima facie* case of pay discrimination under Title VII. Namely, Plaintiffs had failed to properly allege that Plaintiff was paid less than similarly situated men, and also that there was no evidence of discriminatory intent. Prior to argument on Defendants' renewed motion, the Lily Ledbetter Fair Pay Act was signed into law. This Act, which applied to all cases pending on or after May 28, 2007, nullified Ledbetter v. Goodyear Tire, 550 U.S. 618 (2007) and confirmed that an unlawful employment practice occurred when "an individual becomes subject to a discriminatory compensation decision ... including each time wages, benefits or compensation is paid."


In light of the Ledbetter Fair Pay Act, this Court ordered oral argument on Defendants' renewed motion for summary judgment, which was held on February 5, 2009. At oral argument the parties agreed that during the period from 2001 to 2005,

Plaintiff, a Cook, received pay at a lower scale than a similarly situated male employee while each performed the duties of an Assistant Chef. The Court ruled that based on the evidence presented at trial, the jury would have to determine on the verdict-sheet the date, if any, when Defendants intended to discriminate against Plaintiff in connection with her pay. (02/05/2009 Transcript at 36-37.)

This case is scheduled to go to trial on March 30, 2009 in this Court. Per the Court's Individual Rules and Practices, the Parties' Joint Pretrial Order is due in this Court by the close of business on Tuesday, March 10, 2009. Also due that same day are the proposed *voir dire* questions and requests to charge, as well as motions addressing any evidentiary issues or other issues which should be resolved *in limine*.

IT IS SO ORDERED.

Dated: New York, New York
February 10, 2009


Robert P. Patterson, Jr.
U.S.D.J.

Copy of this Order faxed to:

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